

December 20, 2004

Service of the copy of the summons and amended complaint with exhibit(s) 1-7, were served on AUSA Michael P. Sady, via the Civil Process Clerk at the Office of the U.S. Attorney pursuant to Rule 4(i)(1)(A), Certified Mail #7003 0500 0004 5797 2609 on 12/20/04.

United States District Court  
**Attn: Clerk, Lindsay, J., USDC**  
5130 John J. Moakley Court House  
1 Courthouse Way  
Boston, Massachusetts 02210

**RE: Tyree v. U.S. Army, Et al.**  
**C.A. 04-11430-RCL - Compliance**  
**With Order Of Lindsay, J., Of**  
**December 13, 2004 To Reserve**  
**Defendant Joseph Burzenski With**  
**Civil Action Via U.S. Marshal.**

**Dear clerk:**

Pursuant to the Order of December 13, 2004, from Judge Lindsay, I have undertaken the following action. Please be so advised, thank you:

1. pursuant to Rule 4(i)(1)(A) "Serving the United States Its Agencies, Corporations, Officers, or Employees... (A) by delivering a copy of the summons and the complaint to the United States Attorney for the district in which the action is brought ... by sending a copy of the summons and of the complaint by registered or certified mail addressed to...the office of the United States Attorney..."

Defendant(s) United States Army, and U.S. Army CID Agent Paul Mason were served via Rule 4(i)(1)(A) with Certified Mail, seen attached #7003 0500 0004 5797 6812, and #7003 0500 0004 5798 4671, on the Office of the United States Attorney, as further seen at Docket #4 in the docket of the above cited case. Docket entry dated 7/30/2004;

2. pursuant to Rule 4(i)(1)(A), I have effected service of a copy of the summons and the Amended Complaint with Exhibit 1-7, on the Office of the United States Attorney for Defendant Joseph Burzenski, U.S. Army CID (Retired), by mailing same Certified Mail to Assistant United States Attorney Michael P. Sady, 9200 John J. Moakley Courthouse, One Courthouse Way, Boston, Massachusetts,

SEE F.R.C.P. RULE 4(i)(c)(2)  
 CERTIFIED MAIL TO U.S. OFFICER  
 ALSO SEE RULE 4(i)(c)(3)

Page two  
 Letter To U.S. District Court  
 December 20, 2004

02210, who is the Assistant United States Attorney listed at the docket in the above entitled case. As counsel for Defendant Burzenski, pursuant to Rule 4(i)(1)(A), Mr. Sady is authorized to receive service of the summons and amended complaint with exhibit 1-7 on behalf of Defendant Burzenski.

I have further served Mr. Sady for two additional reasons with a copy of the summons and the amended complaint with exhibit 1-7, as counsel for Joseph Burzenski:

(a). Mr. Burzenski contacted the prison in Walpole, Massachusetts, after he refused Certified U.S. Mail service in July 2004, and complained to prison staff, Sergeant Pat Mullvey, that I attempted to contact him. Sgt. Mullvey interviewed me and gave me a direct order to have no further dealings with Burzenki of any description including contact through a second person with Burzenski. For that reason, I could not serve Burzenski by U.S. Marshal as that would constitute second person association with Burzenski. I have served Mr. Sady who is counsel of record for Joseph Burzenski for that reason;

(b). Mr. Sady has already filed two motions for a first, and second enlargement of time to investigate and file an answer to the amended complaint with exhibit 1-7 in support thereof. Both motions failed to outline that they did not represent Mr. Burzenski (due to lack of service, or improper service). As such, they are seen to waive that objection. Further, Mr. Sady is aware that I have attempted in good faith to serve Mr. Burzenski, and that the events detailed in this letter have taken place.

Based on the contents of this letter, I have served all three defendants in the above action at Docket 04-11430-RCL via the Federal Rules of Civil Procedure, Rule 4(i)(1)(A), and will make proof of service on Mr. Burzenski, as soon as the Certified Mail Card is returned from the office of AUSA Michael P. Sady.

Thank you for your time in this matter, and I trust that this has addressed the Order of Judge Lindsay.

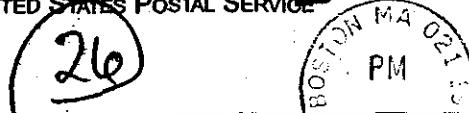
Respectfully submitted,

*William M. Tyree*  
 William M. Tyree  
 Pro se  
 P.O. Box-100  
 S. Walpole, MA. 02071

\* SERVICE PURSUANT TO  
 (RULE 4(i)(1)(A)(C))

cc: AUSA Sady  
 file

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

Sender: Please print your name, address, and ZIP+4 in this box.

Bill Tyree

P.O. Box-100

S. Walpole, MA. 02071

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

U.S. Dept. of Justice  
John J. Moakley Courthouse.  
1 Courthouse Way, Suite 9200  
Boston, Massachusetts  
02210

Attn: Michael J. Sullivan

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

Bill Tyree

Agent  
 Addressee

## B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

## 3. Service Type

Certified Mail  Express Mail  
 Registered  ~~For~~ Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

## 2. Article Number

(Transfer from service label)

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PS-Form 3811, August 2001

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Return Receipt Fee (Endorsement Required)	175
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Total Postage & Fees	\$

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Send To:  
U.S. Dept. of Justice  
Street No.:  
1 Courthouse Way, Suite 9200  
City, State, ZIP+4  
Boston, MA. 02210

PS Form 3811, 10-00

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Paul Mason/Dept. of Justice  
 John J. Moakley Courthouse  
 1 Courthouse Way, Suite 9200  
 Boston, Massachusetts  
 02210

## A. Signature

*John P. Tyree*

Agent  
 Address

## B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from Item 1?  Yes  
 If YES, enter delivery address below:  No

## 3. Service Type

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

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(Transfer from service label)

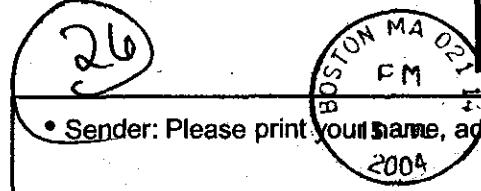
7003 0500 0004 5797 6812

PS Form 3811, August 2001

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102555-02-M-1

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First-Class Mail  
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• Sender: Please print your name, address, and ZIP+4 in this box

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Bill Tyree

P.O. Box-100

S. Walpole, MA 02071

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Return Receipt Fee (Endorsement Required)	175
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
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7003  
 Sent To  
 Paul Mason/Dept. of Justice  
 Street/ Apt. No.  
 1 Courthouse Way, Suite 9200  
 City/ State/ ZIP+4  
 Boston, MA 02210